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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:	) Date: April 8, 2005
John S. Wronski, Jr.	) Attorney Docket No.: F-421
Serial No.: 09/995,218	) Customer No.: 00919
Filed: November 27, 2001	) Group Art Unit: 3624
Confirmation No.: 9211	) Examiner: Daniel S. Felten

Title: **METHOD AND SYSTEM FOR AUTHORIZING USE OF A TRANSACTION CARD**

APPELLANT'S REPLY BRIEF TO EXAMINER'S ANSWER

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Sir:

This Reply Brief, filed pursuant to 37 CFR §1.193, is in response to the Examiner's Answer mailed March 11, 2005.

(1)   On page 5, second paragraph, the Examiner's Answer states, "In this case applicant has specifically argued that Langhans does not '...disclose a system that generates an authorization code specific to the transaction and one *that changes each time* a card owner plans to make a new purchase.' No where in the present claim language does the limitation exist of a system that generates an authorization code specific to the transaction and one *that changes each time* a card owner plans to make a new purchase." The Examiner's Answer further states, "Although this limitation may be suggested to some degree within the specification, claims must be given their broadest reasonable interpretation **without** reading limitations into the claim."

(Emphasis in original). Appellant respectfully disagrees with the Examiner's characterization of the claims.

While it is true that the exact language cited by the Examiner does not appear in the claims, Appellant submits that the concept of an authorization code being associated with each transaction to purchase an item is more than just "suggested to some degree within the specification," it clearly appears in those claims. For example, claim 1, step (9) of the present invention recites: "a plurality of authorization parameters available for use in <u>calculating an authorization code associated with a transaction to purchase the item;"</u>. This indicates that the calculated authorization code is associated with each transaction to purchase an item, and must change with each new purchase. The association to a transaction to purchase an item is accomplished by having a user select from a plurality of available authorization parameters. These authorization parameters are defined in the specification at page 7, lines 5-11: "Next, at 204, the bank 160 presents the owner 120 with a plurality of authorization parameters available for selection by the owner 120. <u>The authorization parameters are types of information that may be used to identify or distinguish between different transactions.</u> As examples, the plurality of authorization parameters may include: time, date, cost, location, merchant name, merchant category, item name, item category, transaction sequence number, and the like."

Further, dependent claim 4, step (1) recites: "storing a plurality of transaction authentication records at the bank where each transaction record is representative of a respective transaction and has associated therewith a respective authorization code;".

The language cited to in claim 1 also appears in independent claims 8, 16, 18; and the language cited to in claim 4 also appears in claims 11 and 21.

Clearly, the claimed authorization code is specific to each transaction and inevitably will have to change each time a card owner plans to make a new purchase. One of ordinary skill in the art would understand the plain meaning of the claim language (and in view of the specification) to recognize that the authorization code is associated with a particular transaction, provided to the merchant, compared, and a new authorization code is regenerated prior to each transaction.

The significance of the Examiner's characterization of the claims whereby he ignores that the claimed authorization code is associated with a transaction is that he needs to establish that the claimed authorization code is really the static number permanently encoded on a user's card so to overcome the deficiencies in the prior art. This is important to the Examiner, because there is no disclosure, teaching or suggestion in Langhans '513 of calculating an authorization code that is associated with a transaction to purchase an item. Instead, as previously noted on page 10 of Appellant's Brief, Langhans '513 teachings merely consist of transmitting a unique card number that is _permanently encoded_ on the card to a credit card authorization system. This number _does not change_ and is _not associated_ with a transaction to purchase an item. Based on this number encoded on the card, the authorization system looks up the card user's account number, identifies the hierarchical position of the card user and conducts tests to determine the card user's purchasing ability. The code in Langhans '513 is associated with the user's card and account number - - not with a transaction to purchase an item. Appellant respectfully submits that the claims as drafted do contain

the necessary limitations to establish that the authorization code is specific to each transaction, and that Langhans '513 does not teach the present invention.

(2) On page 5, third paragraph, the Examiner's Answer states, "Moreover, claims are not limited to an authorization code *that changes each time a card owner plans to make a new purchase*, because the claim language specifically claims 'authorization parameters' which are associated with 'the authorization code'". Here again, Appellant respectfully disagrees with the Examiner's characterization of the claims. Most importantly, the Examiner has ignored again the pertinent claim language whereby an authorization code is associated with a transaction to purchase an item. As discussed above, this is an extremely important omission.

(3) Appellant's Brief on Appeal addresses the remaining issues contained within the Examiner's Answer.

In conclusion, at least for the reasons stated above and those provided in Appellant's Brief on Appeal, Appellant respectfully maintains that the final rejection of claims 1-24 is in error and, therefore, should be reversed. Therefore, the allowance of this application is respectfully requested.

Respectfully submitted,

Joseph C. Kirincich
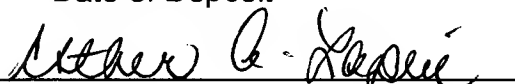Reg. No. 38,734
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